

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: <u>9/30/20</u>

v.

16-CR-670 (KMW)

ORDER

MARIA MAGDALENA ALMONTE

Defendant.

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KIMBA M. WOOD, United States District Judge:

Defendant Maria Magdalena Almonte moves to reduce her sentence under 18 U.S.C. § 3582(c)(1)(A), seeking compassionate release in light of her medical condition and the COVID-19 pandemic. (ECF No. 313.) Because Almonte has not yet exhausted her administrative remedies, her motion is DENIED without prejudice.

Under 18 U.S.C. § 3582(c)(1)(A), as modified by the First Step Act, Pub. L. No. 115–391, 132 Stat. 5194 (Dec. 21, 2018), a court may reduce a defendant’s sentence upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant. 18 U.S.C. § 3582(c)(1)(A). Ordinarily, a defendant may not file a motion seeking compassionate release from a court until they have “fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf” or thirty days have lapsed “from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier.” *Id.*

Almonte concedes that she has not exhausted her administrative remedies. *See* Def.’s Mot. at 2 (“If a motion to the Warden is needed, to show that [Almonte] exhausted her administrative remedies, she is requesting that this Court hold her motion in abeyance.”). As a result, the motion is not yet ripe for review.

For the foregoing reasons, Defendant's motion is DENIED without prejudice. Almonte may file a renewed motion in the event that she exhausts her administrative remedies.

SO ORDERED.

Dated: New York, New York
September 30, 2020



KIMBA M. WOOD
United States District Judge